

MICHAEL P. YOUNG - Pro
PLAINTIFF

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MAY 13 2013

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

WAYNE WEBB

J. MICHAEL STOFFER, ET AL,
DEFENDANT(S)

IN THE UNITED STATES

DISTRICT COURTHOUSE

FOR THE DISTRICT OF
MARYLAND

COMPLAINT
CIVIL ACTION NO.

ELH-13-1403

I JURISDICTION VENUE.

1) This is Civil Action Authorized by 42 U.S.C. Section 1983 to Redress the deprivation, Under Color of State LAW OF Rights Secured by the Constitution of the United States. The Court has Jurisdiction Under 28 U.S.C. Section 1331 And 1343 (A)(3).

2) The MARYLAND District Courthouse is An Appropriate Venue Under 28 U.S.C. Section 1391 (b) (2) because it is Where the Events giving Rise to this Claim Occurred.

II PLAINTIFF.

3.) Plaintiff Michael P. Young Sr. ID No. 362-612, is and was at all times, mentioned herein a Prisoner of the State of Maryland, in the custody of the Maryland Department of Corrections. (Hereafter referred to as D.O.C.). He is currently confined in North Branch Correctional Institution. (Hereafter referred to as N.B.C.I.) in Cumberland, Maryland.

IV DEFENDANTS.

4.) Defendant J. Michael Stouffer, is the Commissioner of the State of Maryland. He is legally responsible for the overall operations of the Department of Corrections, and each institution under its jurisdiction including N.B.C.I. and MCI-H. (Maryland Correctional Institution - Hagerstown).

5.) Defendant Wayne Webb, was the Warden of MCI-H Prison. And at all times mentioned, he held the position of Warden where the incident took place. So he is and was legally responsible for the operation of MCI-H, and for the welfare of all the inmates of that institution.

6.) Defendant Ronald B. Brezler, was the Security Chief of MCI-H Institution. And at all times mentioned, he held the position of Security Chief, where the incident took place.

So he is and was, legally responsible for the safety and welfare of all the inmates at MCI-H Institution.

7.) Defendant Joshua Snyder, is a Correctional Officer of the State of Maryland D.O.C., who at all times mentioned in this Complaint, held the Rank of CO-III, and was assigned to MCI-H.

8.) Defendant Shane Boggs, is a Correctional Officer of the State of Maryland D.O.C., who at all times mentioned in this Complaint, held the Rank of CO-III, and was assigned to MCI-H.

9.) Defendant Ronald Mills, is a Correctional Officer of the State of Maryland D.O.C., who at all times mentioned in this Complaint, held the Rank of CO-III, and was assigned to MCI-H.

10.) Defendant Steven Thomas, is a Correctional Officer of the State of Maryland D.O.C., who at all times mentioned in this Complaint, held the Rank of CO-SGT, and was assigned to MCI-H.

11.) Defendant Cole Young, is a Correctional Officer of the State of Maryland D.O.C., who at all times mentioned in this Complaint, held the Rank of CO-II, and Assigned to MCI-H.

12.) Defendant Wesley Unger, is a Correctional Officer of the State of Maryland D.O.C., who at all times mentioned in this Complaint, held the Rank of CO-II, and Assigned to MCI-H.

13.) Each Defendant is sued Individually, and in his Official Capacity. At all times mentioned in this Complaint, each Defendant acted under the Color of State Law.

IV FACTS.

14.) On February 1, 2012, 9:00 AM, Michael P Young Jr. was being housed in AHU, in which is the lock-up Housing Unit at MCI-H. Officer Snyder goes to Mr. Young's Cell and opens his Cell door (Without First placing the handcuffs on Mr. Young) Asks Mr. Young to step out of the Cell. Officer Snyder has the handcuffs in his hand and asks Mr. Young to turn around once coming out of the Cell, so that he can cuff him.

15.) Mr. Young do as he is told to do and hands Officer Snyder his

Right Arm First. OFFICER SNYDER STATES, "LEFT ARM FIRST."

Mr Young gives him his LEFT ARM AND AS HE IS ABOUT TO PUT THE CUFF OVER TOP OF MR. Young's WATCHBAND. Mr Young STATES, I've HAD SEVERAL WATCHBANDS BROKEN THIS WAY, AND POLITELY ASKED OFFICER SNYDER TO PLEASE PLACE THE CUFF UNDER THE WATCH CLOSER TO MY WRIST BONE, WHILE ALSO STATING THAT IF YOU PLACE IT (THE CUFF) ABOVE MY WATCHBAND IT WILL CUT INTO MY WRIST.

OFFICER SNYDER THEN BECOMES FRATE AND SCREAMING "DO NOT F---ING TELL ME HOW TO DO MY JOB, TURN AROUND!" GRABBING MY ARM AND ATTEMPTS TO THROW ME INTO THE WALL. Mr. Young IMMEDIATELY STATES, "WHAT ARE YOU DOING?! I'M NOT RESISTING!"

16) OFFICER SNYDER BEGINS MAKING A STATEMENT CONCERNING AN A.R.P. I HAD WRITTEN ON HIS FELLOW OFFICERS (A. HANDEL, AND SGT WYALCOOP). "IF I CONTINUE THE A.R.P. PROCESS AND CONTINUE TO PRESS CHARGES ON SGT WYALCOOP, I'LL BE SORRY". (REFER TO EXHIBIT A)

17.) I STATE "EXCUSE ME?!" "WHAT DID YOU SAY"? "PUT ME BACK IN MY CELL, I DON'T TRUST YOU!"

18.) OFFICER SNYDER THEN GRABS HIS MACE AND SPRAYS ME DIRECTLY IN MY FACE, I BEGINS TO BACK AWAY WITH MY HANDS UP, AND MY PALMS FACING OUT, WHILE STATING, "I'M NOT RESISTING"! I CAN BARELY SEE, I CAN BARELY BREATHE, AND MY FACE IS ON FIRE! I CAN BARELY COMPREHEND ANY WORDS, OR MY SURROUNDINGS, AND TO ADD INSULT TO INJURY, I'M NOW BEING PUNCHED IN MY FACE! (REFER TO EXHIBIT B)

19.) THROUGH ALL OF THIS, I NOW HEAR "SIGNAL 13", (WHICH IS "STAFF NEEDS ASSISTANCE (OO)" BEING CALLED.

I Am Then Tackled too The ground Where I Curl up in the Fetal Position, trying to Protect my Face, Eyes, Privates, ETC. From the Punches And Kicks OFFICER Snyder Were given me.

20.) My Vision Has Cleared Just Enough to See, OFFICER Mills, OFFICER Bogg's, OFFICER Unger And Sgt. Thomas, Responding to the Code. As I try to escape the beating I know is coming by trying to stand back up with my hands in the air All the while stating "I'm Not Resisting!" OFFICER Unger Tackles me Once Again And Takes me to the ground. As I'm on my knees One of the OFFICERS MACE's Me Again in my Face. Then Forces my Hands Behind my Back And HANDCUFF Me.

22.) I Then Feel Someone kicking me, And Stomping me, I feel barrage of Punches To my Face, Skull And Body. After what Felt like an Eternity of the Above Described beating, I WAS Struck Multiple Times in the BACK of the Skull With the MACE CAN!

23.) *NOTE; AFTER Repeatedly being hit in the BACK of my Skull with the mace CAN, I Needed to Receive 5 STAPLES in the BACK of my Skull, That Could Not be Done by A Human FIST or Hitting my Head on Concrete Floor. The Wounds Consist with Coming From A Sharp Object, Such As The Bottom on the MACE CAN! (REFER TO EXHIBIT B-D)

24.) At this Point, I am in AND OUT OF Consciousness. Once being Taken to the medical Dept. I was taken to the Back Room with which I WAS Beat Again to the Point of Almost losing (6)

Consciousness, And As I Lay There, I Hear one of The Defendants Say, "Wake Him up, Pick him up And sit him in this Chair!!"
I WAS THEN smacked in my Face very Hard, Twice, Then Picked-up And Placed in the Chair.

25.) I WAS THEN EXAMINED by the Nurse And she made me stand over the Water Fountain for 1-2 mins, with water splashing in my Eyes. When Done, I WAS Placed back IN the Chair, When one of The Defendants started to poke me in my LEFT Eye with His Fingers, to the Point I WAS seeing Bright Flashes of light behind my Closed Eye lids. ("REFER TO Exhibit D")

26.) ENO Results, My Face And Head WAS Swollen beyond Recognition, my LEFT Eye WAS shut Close for A Week And A Half And COULD NOT see out my LEFT Eye for 3 months.
I HAD to Receive 5 Staples in the BACK of my skull, Where AS I still suffer Extreme Headaches, that were Not Present before my Assault.

27.) I HAVE Now Been in NorthBranch Correctional Institution (N.B.C.I.), Since February 1, 2012 11:30 AM.
Since my Arrival, I've been Trying to get my Assault Investigated, by Writing Headquarters, ITU And ARP's. All OF Which has yielded NO Results. Only Results, is Now I'm being Harrowed by the Officers of my Current Institution (N.B.C.I.) by means of Excessive shake downs, to Destroy My Property, harassment on my visits, My Mail Has Been tampered with, Legals, OUTgoing And InComing. ("REFER TO Exhibits E-F-H")
(7)

28.) My Wife is my only Support. My wife was helping me to get this situation Investigated. This Institution (N.B.C.I.) Has Found A Way to make False Accusations so that we cannot have visits.

Officers Have Come to my Cell Door And tried to Torment me, by Calling Me "Nigger", And other Racist Names. My Treatment is getting Worse. "I Am in Fear For my Life"! There is A Brotherhood of Correctional Officers, who Call themselves, "The Brotherhood of Darkness", with which, they Harass And Victimize Prisoners. (Refer to Exhibits, F-B)

29.) The Medical Staff Continuously Refuse to try to Find A Way to Stop my Headaches, which have worsen! I've Placed Sick Call After Sick Call slips in, but my Headaches Are Still Here, And nothing is being Done I Haven't seen A Specialist or Anyone who Specializes in Neurology. I've been given Only Pain Medications, which Does Not Work. I Have stressed this Point to the Medical Staff Numerous Times, Only to be Told "Nothing Else Can be given!"

30.) "I Have Evidence Backing All my statements"!

31.) I Have Enclosed Documents, being Refered to AS "Exhibits" Bringing From, Arthur H.

V. IMMINENT DANGER.

32.) I Plaintiff Michael P. Young Jr., ID No. 362-612, Brings this Claim Forth Under the Imminent Danger Clause, the Prison Litigations Reform Act, makes it more Difficult to bring a 1983 Action, but the limitations of this Act do not apply if the Prisoner is in Imminent Danger of Serious Physical Injury. I've Filed Inmate Grievances, Which Have Been Dismissed, or I've Been Ask to Provide Ridiculous Proof (I Have Evidence) before they will Investigate.

VI. ILLEGAL CLAIM.

33.) Plaintiff ReAlleges And Incorporates by Reference, All the Paragraphs Above.

34.) The Beating, Violated Plaintiff Michael P. Young Jr.'s, Rights And Constituted Cruel And Unusual Punishment. Excessive Force, Wanton Infliction of Pain Under the 8th Amendment to the Constitution. The Plaintiff has No Plain, Adequate Or Complete Remedy At Law to Redress the Wrongs described Herord. Plaintiff Has been, And Will Continue to be Irreparably Injured by the Conduct of the Defendants, unless this Court grants the 1983 Action, the Plaintiff is bringing Forth.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Respectfully Prays that this Court enter judgement granting Plaintiff: Michael P. Yang JR.

- 35.) A declaration that the Acts and Omissions described herein Violate Plaintiff's rights under the Constitution and LAWS OF THE UNITED STATES.
- 36.) Compensatory Damages in the Amount of \$ 100,000.00 Against each defendant, Jointly and Severally.
- 37.) Punitive Damages in the Amount of \$ 100,000.00
- 38.) A Jury Trial on All Issues Triable by Judge.
- 39.) Plaintiff's Cost in this Suit
- 40.) Any Additional Relief this Court deems Just, Proper, And Equitable.

Date of April 24, 2013

Respectfully Submitted,

ID No# 302612 Michael P. Yang

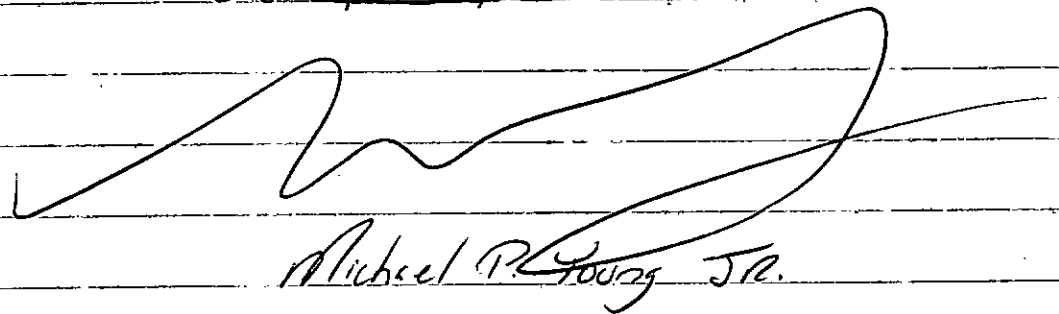
14100 Marlinton Hwy, S.W.

Cumtland, Maryland, 21502

VERIFICATION.

I HAVE read the foregoing Complaint and Hereby Verify that the matters Alleged therein are True, I Certify under Penalty of Perjury that the foregoing is True and Correct.

Executed At Cumberland, Maryland
ON April 24, 2013.



Michael P. Young Jr.